

REMARKS

In the August 26, 2009 Office Action, the title was objected to and claim 12 stands rejected in view of prior art, while claims 1-4 and 6-11 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 26, 2009 Office Action, Applicant has amended the title and claim 12 as indicated above. Thus, claims 1-4 and 6-12 are pending, with claims 1 and 12 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Specification - Title

In paragraph 2 of the Office Action, the title was objected to for not being sufficiently descriptive. In response, Applicant has amended the title to - ROTARY BLADE COMPRESSOR WITH ECCENTRIC AXIAL BIASING- - as suggested in the Office Action. Applicant believes that the title is now sufficiently descriptive. Accordingly, withdrawal of this objection is respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraph 4 of the Office Action, claim 12 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,030,192 (Hill et al.). In response, Applicant has amended claims 12 to more clearly define the present invention over the prior art of record.

In particular, independent claim 12 now recites, *inter alia*, the cylinder having a slit that is formed at a portion eccentric from a center of the eccentric rotation body in a face portion opposite a face on a cylinder chamber side of the cylinder side end plate of the eccentric rotation body, the slit being disposed on only one radial side of the cylinder relative to the drive shaft and being open in a radially inward direction facing the drive shaft in order to receive pressure of fluid discharged outside the compression mechanism to work on the slit, and the slit being radially spaced from the center of the eccentric rotation body. Clearly,

this structure is **not** disclosed or suggested by the Hill et al. patent or any other prior art of record.

Specifically, the so-called slit 94 of the Hill et al. patent is disposed radially on all sides (i.e., extends completely around) of the so-called cylinder relative to the drive shaft. Thus, the so-called slit 94 of the Hill et al. patent is **not** disposed on only one radial side of the cylinder relative to the drive shaft, as now required by independent claim 12. Moreover, the so-called slit 94 of the Hill et al. patent is axially spaced from the so-called eccentric part 58 of the drive shaft, and thus, is **not** radially spaced from the center of the eccentric rotation body, as now required by independent claim 12.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 12, as now amended, is not anticipated by the prior art of record. Accordingly, withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

In paragraph 5 of the Office Action, claims 1-4 and 6-11 were indicated as allowed. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-4 and 6-12 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

/Patrick A. Hilsmier/
Patrick A. Hilsmier
Reg. No. 46,034

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
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